

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

JESUS M. GARCIA,

Plaintiff,

v.

No. 22-cv-0668 SMV

CITY OF CARLSBAD BOARD MEMBERS, et al.,¹

Defendants.

MEMORANDUM OPINION AND ORDER TO AMEND

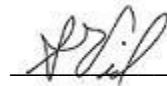
THIS MATTER is before the Court on pro se Plaintiff's Civil Complaint, filed September 12, 2022, and consisting of three pages and 44 pages of exhibits. [Doc. 1]. The Complaint contains conclusory allegations regarding violations of constitutional rights and state law and vague allegations of "actions taken by officials" but does not contain factual allegations regarding each Defendant. Although "a complaint need not provide 'detailed factual allegations,' it must give just enough factual detail to provide 'fair notice of what the claim is and the grounds upon which it rests.'" *Warnick v. Cooley*, 895 F.3d 746, 751 (10th Cir. 2018) (ellipsis omitted) (quoting *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 555 (2007)). The Complaint fails to state a claim on which relief can be granted because it does not describe what each Defendant did to Plaintiff. See *Nasious v. Two Unknown B.I.C.E. Agents, at Arapahoe County Justice Center*, 492 F.3d 1158, 1163 (10th Cir. 2007) ("[T]o state a claim in federal court, a complaint must explain

¹ Although the Complaint uses the abbreviation "et. al [sic]" in the caption, it names no Defendant other than "City of Carlsbad Board Members." [Doc. 1].

what each defendant did to [the plaintiff]; when the defendant did it; how the defendant's action harmed [the plaintiff]; and, what specific legal right the plaintiff believes the defendant violated."").

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED that no later than **October 12, 2022**, Plaintiff file an amended complaint specifically describing what each Defendant did to Plaintiff; when each Defendant did it; how each Defendant's action harmed Plaintiff; and what specific legal right Plaintiff believes each Defendant violated. Failure to timely file an adequate amended complaint may result in dismissal of this case without further warning.

IT IS SO ORDERED.



STEPHAN M. VIDMAR
United States Magistrate Judge